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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Educational Development Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Challenges to the right of freedom of expression

International Educational Development, Inc. and the Association of Humanitarian Lawyers consider that the right of freedom of expression is one of the most important rights and is the cornerstone of political participation and democracy based on the will of the people.[1]

However, the right is increasingly challenged by both government restrictions and the impact of new technologies, and we are especially concerned about some of them. In industrialized countries as well in developing ones there are increasingly topics that are heavily restricted or communities whose views are either disregarded, not available or even suppressed or criminalized. The right is further hampered by unacceptable levels of killing, kidnapping, disappearing, arresting, attacking or threatening journalists, including "citizen" journalists, bloggers, and others who impart information on the internet. The right also challenged by unequal access to means of dissemination of information. Finally, the ability of governments to engage in surveillance via the internet and communication devises negatively impacts the right.

Restricted topics

We are alarmed at the number of taboo topics – topics that governments restrict or censure from being disseminated. The topic of self-determination, for example, is increasingly a taboo topic and groups claiming the right are frequently subjected to violations of their rights. Groups seeking some autonomy or even severance from governments they consider oppressive face arrest and criminalization. This has occurred against the Oromos people in Ethiopia, the Ogaden people in Somalia, the Kurdish people in Turkey and Iran, the Sikh people in India's Punjab, the Rohingya people in Myanmar, the Tamil people in Sri Lanka, the Kashmiri people in Indian-controlled Jammu and Kashmir, the Tibetian and Uyghur in the People's Republic of China and against many other groups. In our view, the lack of adequate attention to the right to self-determination by the Council exasperates the situation of oppressed groups, as there is no proper evaluation of situations under the accepted criteria of the right: an identifiable territory, historic governance in that territory, a social or cultural distinction, a group will to achieve self-determination and the capacity of the group for self-governance. Governments also increasing invoke the label "terrorist" against peoples who urge more autonomy or self-governance and against groups who have taken up arms in accordance with Protocol Additional I of the Geneva Conventions. Other States ignore their obligation to assist a group achieve self-determination in accordance with the Charter, human rights instruments and basic principles of international law. All this has a decided chilling effect on journalists and the free flow of information and has led to the death of thousands of civilians.

In a number of countries, there are restrictions regarding promoting gender equality or reporting on gender inequality or on reporting on issues related to lesbian, gay, bisexual, or transgender issues. Many States have restrictions regarding dissemination of information regarding religions. For example, in China, only one group of Christians are recognized and those Christians belonging to other groups cannot function openly or transmit information. A number of States even have laws criminalizing people who change their religion. For example, in certain States in India, there are laws criminalizing religious conversion. In some States, certain political parties are attacked by government officials or have their activities restricted or even made illegal.

Violence against journalists

Most reliable information indicates that journalists, civilian journalists, bloggers and "netizers" face violence not only from government authorities but also from civilian groups such as those adhering to extreme political or religious beliefs. In the past few years, the number of journalists who are kidnapped is rising. While certain countries such as Somalia and Syria take the lead in these areas, there is a decided up-tick in sub-Saharan Africa. Violence against journalists is especially disturbing in Uganda, where there is also a government-sponsored criminalization of the LGBT community. Other States have elevated incidences of violence against journalists. For example, in Bangladesh there were 271 attacks against journalists in 2013.

Unequal access to the means of dissemination

[1] Association of Humanitarian Lawyers researcher Anna Pham assisted in the preparation of this document.

Unequal access to means of communication is a problem with serious consequences. Some unequal access is a result of poverty and illiteracy. Some, especially of certain minorities, is a result of isolation. For example, certain indigenous peoples in the Amazon basin have no electricity, no newspapers, no cell phones, and cannot read. Some are unable to communicate their views to the State authorities and yet they face loss of land, land rights, and, in some cases, even their ability to be an indigenous group at all. Some unequal access is a result of direct discrimination by States. For example, in the Islamic Republic of Iran, the Kurdish areas face limited telecommunications and the use of the Kurdish language is restricted. This inhibits their chance of improving their social circumstances and also keeps other Iranians from understanding the situation.

Government surveillance

Special Rapporteur La Rue addressed the issue of government surveillance and how it undermines freedom of expression in his report A/HRC/23/40. However, most States have not reviewed their national laws in this regard as he suggested. People and groups working to end this type of surveillance have not been able to stop it, and those disseminating information about it continue to be attacked and threatened. For the most part, the right to privacy from government surveillance is completely eroded. The problem is not just the ability to put tap on the fiber-optic cables, but also due to ever-more-sophisticated satellite surveillance. There is also a problem in that only a relatively few States have the capacity for most of the surveillance technologies.

Conclusion

We have greatly appreciated the work of Special Rapporteur La Rue as he has tackled the increasingly complex ways and means for imparting information and with restricting it and we will miss his outstanding work on this topic. The next mandate holder will have to address ever-more-sophisticated means of impairing the free flow of information and must also take on the issues of website filtering, piracy, privacy and political oppression using means of dissemination of information. We hope that attention will be given to the taboo topics, especially the right to self-determination. We ask the Council to seriously consider restoring the right to self-determination as a separate agenda item and that it will evaluate properly claims made to the rights by affected groups.